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February 8, 2016

BY ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Kriss et al v. Bayrock Group LLC et al.*, 1:10-cv-03959,
Joint Proposed Briefing Schedule for Defendants' Motions to Dismiss

Dear Judge Schofield:

We write pursuant to Chief Magistrate Judge Maas's Order, dated January 29, 2016 [ECF No. 268], directing the parties to submit a joint proposed briefing schedule for Defendants' motions to dismiss, including: (a) dates for the exchange of the pre-motion letters pursuant Your Honor's Individual Rule III.A.3; (b) a date for the submission of a joint brief by all Defendants on common issues; (c) a date for the submission of any additional briefs by individual Defendants or groups of Defendants regarding separate issues, as well as a description of those issues; (d) dates for the submission of all opposition papers and replies, and (e) any requests for enlargements of the page limits set forth in Individual Rule III.B.1.

The parties have agreed upon and jointly request that the Court approve the following proposed briefing schedule and page limits:

Deadline	Event	Page Limit
February 17, 2016	Defendants serve pre-motion letter(s) pursuant to Individual Rule III.A.3	3 pages
February 29, 2016	Plaintiffs serve pre-motion response letter(s) pursuant to Individual Rule III.A.3	3 pages
March 7, 2016	No later than this date, Plaintiffs shall advise Defendants whether they will seek to amend the Second Amended Complaint. If an amendment will be sought, the parties will confer about whether the briefing schedule requires modification, it being understood that	N/A

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	any substantial changes to the Second Amended Complaint will require a modification to the briefing schedule.	
March 25, 2016	Defendants file a single joint brief on common issues	40 pages
April 8, 2016	Individual Defendants, or groups of Defendants, file supplemental briefs regarding separate issues ¹	15 pages each
May 20, 2016	Plaintiffs file: <ul style="list-style-type: none"> • a response to the joint brief on common issues • response(s) to any supplemental briefs 	<ul style="list-style-type: none"> • 40 pages • 15 pages each
June 17, 2016	Submit Date of Motion. Defendants file: <ul style="list-style-type: none"> • a single joint reply on common issues • supplemental reply briefs 	<ul style="list-style-type: none"> • 20 pages • 7 pages each

The parties respectfully submit that the above proposed schedule and page limits are appropriate given the number of claims and issues to be addressed in the anticipated motions. The Second Amended Complaint contains more than 100 pages and 318 paragraphs and asserts 15 causes of action. This includes RICO claims alleging over 20 predicate acts. Defendants intend to challenge the legal sufficiency of multiple elements of each of the causes of action asserted and to assert various legal grounds for dismissal.

Accordingly, the parties jointly request that the Court approve the briefing schedule and page limits proposed above.

Respectfully,



Walter A. Saurack

¹ Among the 16 Defendants named in the Second Amended Complaint, Defendants anticipate there will be up to five (5) supplemental briefs submitted on behalf of different groupings of defendants, to address issues particular to those groups. These particular issues will include (a) the insufficiency of allegations against the respective groups and (b) the applicability of certain defenses including the statute of limitations to claims against certain groups, including that the allegations made in the Second Amended Complaint do not relate back for limitations purposes to the 2010 original filing date of the action with respect to defendants who were never served with process prior to late 2015 and who did not otherwise participate in the action prior to late 2015.

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